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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,980	05/14/2001	Scott LeKuch	YOR920000701US1	9084
7590 10/21/2004			EXAMINER	
Harry F. Smith, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	
DATE MAILED: 10/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,980

Applicant(s)

LEKUCH ET AL.

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-32 are presented for examination.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.
4. The disclosure is object to because of the following informalities: the specification must identify any related application/patens by the serial number (not by the Attorney's Docket number and any other number) or patent number, if patented. Please make sure that the related information is up to date.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5, 10, 13, 18, 21, 26, 27 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Cobbley et al. (Cobbley), U.S. patent no. 5,546,538.

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As per claim 1, Cobbley discloses a computing system [fig. 3], said computing system comprising:

a first computing device comprising local storage and a detector for detecting signals emitted from a pen input device for generating stroke information therefrom [figures 1, 2; col. 3, lines 20-24; col. 5, lines 31-44]; and

a second computing device coupled to said first computing device, wherein said detected stroke information is selectively transferred or not transferred to said second computing device based on an adaptive transfer policy [col. 7, lines 36-65].

As per claim 2, Cobbley discloses that transfer policy automatically adapts to an operational state of said second computing device [col. 7, lines 36-50; col. 10, lines 36-40].

As per claim 5, Cobbley discloses that transfer policy of said stroke information is based on a user-selected setting [col. 7, lines 37-50].

As to claims 10 and 13, Cobbley teaches the claimed system. Therefore, Cobbley teaches the claimed method of steps to carry out the system.

As to claims 18 and 21, Cobbley teaches the claimed system. Therefore, Cobbley teaches the claimed storage media to carry out the system.

As to claims 26-27 and 31 are contained the same limitations as claims 1 and 2. Therefore, same rejection is applied.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 8, 11, 12, 16, 19, 20, 24 and 28 are rejected under 35

U.S.C. 103(a) as being unpatentable over Cobbley et al. (Cobbley), U.S. patent no. 5,546,538 as applied to claim 1 above, and further in view of Yamagata (Yamagata). US patent no. 6,609,072.

As to claims 3, 8, 11, 16, 19 and 24, Cobbley fails to disclose that transfer policy automatically adapts to extend a battery life of said second computing device. In other words, Cobbley does not explicitly teach that there is no communication for the second computing device when second computing device in a power saving state.

Yamagata teaches that a portable terminal device is prohibited for communicating if there is not enough battery remaining quantity (low power state) [col. 1, lines 29-46]. Such that Yamagata would be able to extend a battery life since the communication is inhibited due to the low power state.

It would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Cobbley and Yamagata because the specific teachings of Yamagata stated above would increase the power consumption of Cobbley-Yamagata's system.

As to claims 4, 12, 20 and 28, inherently, Yamagata discloses second computing device resides in a state selected from one of an Off state, an On/Low Power state, and a Normal/High Power state [col. 1, lines 20-46].

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9. Claims 6, 7, 9, 14, 15, 17, 22, 23, 25, 29, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al. (Cobbley), U.S. patent no. 5,546,538 in view of Lewis et al. (Lewis). US patent no. 5,294,792.

As to claims 6, 14 and 22, Cobbley does not explicitly disclose user-selected setting is based on at least one of a transfer interval or a rate of stroke information detection.

Lewis discloses user-selected setting is based on at least one of a transfer interval or a rate of stroke information detection [col. 6, lines 6-35; col. 14, 45-48].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Cobbley and Lewis because they both disclose a digitizer input system the specify teachings of Lewis stated above would increase efficiency of data transfer from the digitizer system of Cobbley system.

As to claims 7, 15 and 23, Lewis discloses that transfer of said stroke information is based on one of an amount of stroke information stored in said local storage, a duration of stroke information detection and a rate of stroke information detection [col. 6, lines 53-63].

As to claims 9, 17, 25 and 29, Lewis discloses that transfer policy automatically adapts to a change in a pattern of the detected user input [col. 6, line 53-col. 7, line 10].

As to claims 30 and 32, Cobbley and Lewis do not explicitly teach the detection of audible signals and keyboard and keypad entries.

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It would have been obvious to modify the teachings of Cobbley and Lewis to enable the detection of audible signals and keyboard and keypad entries in a manner similar to that of the pen input device.

10. Applicant's arguments filed on 9/7/04, which have been considered but are moot in view of the new ground(s) of rejection. The examiner regrets the delay in the citation of the new references

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at 571-272-3667. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631 (571-272-2100, effective 10/14/2004).


Chun Cao

Oct. 20, 2004